

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCISCO JAVIER LOPEZ-ACOSTA,

Defendant.

8:14CR18

ORDER

This matter is before the court on the motion for an extension of time by defendant Francisco Javier Lopez-Acosta (Lopez-Acosta) (Filing No. 17). Lopez-Acosta seeks additional time in which to file pretrial motions in accordance with the progression order. Lopez-Acosta's counsel represents that Lopez-Acosta will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted. Furthermore, the trial setting for April 21, 2014 (Filing No. 16) will be canceled.

**IT IS ORDERED:**

1. Defendant Lopez-Acosta's motion for an extension of time (Filing No. 17) is granted. Lopez-Acosta is given until **on or before April 21, 2014**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 2, 2014, and April 21, 2014**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

2. The trial of this matter previously set for April 21, 2014 (Filing No. 16) is canceled and will be rescheduled following the disposition of any pretrial motions filed in accordance with this order or the expiration of the deadline set forth in this order.

DATED this 2nd day of April, 2014.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge